

REMARKS

Introduction

Claims 1-17 are pending. Claims 1, 11, and 17 are independent and have been amended herein.

Rejections under 35 U.S.C. § 102(b)

Claims 1, 11, and 17 stand rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent Application Publication No. 2003/0154158 (Martyn et al.).

Martyn et al. describes an order scanning process which includes a first interface process for monitoring the trading activity of securities traded on a first trading platform. A second interface process monitors the trading activity of securities traded on a second trading platform. A summarized display process, which is responsive to the first and second interface processes, provides a summarized display that itemizes at least a portion of the trading activity monitored on at least one of the trading platforms (see page 1, paragraph [0004]). Also, at page 2, paragraphs [0022] through [0026]: “Query process 50, in turn, provides consolidated and filtered data 52 to summarized display process 54, which generates summarized display 40...Query process 50 also includes a platform selection process 60 that allows the market participant 24 to define one or more selected trading platforms (chosen from those that are monitored by process 10), such that orders placed on these selected trading platforms are included in the summarized display 40.”

In contrast to the method described by Martyn et al., amended claims 1, 11, and 17 of the present application recite, a system, method, and computer-readable medium configured to offer a financial instrument across different types of trading platforms, at least two of the trading platforms using different trading protocols for exchanging trading information;

executing steps of posting an offering in one of the trading platforms; and displaying the posted offering simultaneously in each of the other trading platforms so as to allow a particular quantity of the offering to be purchased in any of the trading platforms, wherein each of the at least two of the trading platforms receives the posted offering using its respective trading protocol.

Nowhere in Martyn et al. is it described or taught to offer a financial instrument across different types of trading platforms, at least two of the trading platforms using different trading protocols for exchanging trading information, wherein each of the at least two of the trading platforms receives the posted offering using its respective trading protocol. Referring to page 1, paragraph [0013] of the present application as published in U.S. Patent Application Publication No. 2005/0015324: “the trading platforms 110 need not employ the same protocol for exchanging trading information. A trading protocol refers to the set of rules to enable computers to exchange trading information. In general, a trading platform 110 can communicate in any protocol understood by the Trade Exchange interface 150. When a trading platform 110 is added to the system, an adapter is preferably provided to allow the Trade Exchange interface 150 to translate messages to and from the added platform.” Also see paragraph [0016]: “For each of the trading platforms 110, one of the adapters translates trading information and the other translates offering information. “Trading information” refers to information related to a financial transaction. “Offering information” refers to information regarding a financial instrument being offered. “Translate” refers to interpreting a message according to a predetermined protocol and making it available in a understandable manner.” Also see page 2, paragraph [0020]: “The Trade Exchange interface 150 then translates the quote message to a format suitable for other trading platforms 110 (each having their own protocol) and transmits this information as a quote message to each of them. After receiving a quote message, the trading platform 110 preferably

sends back a quote acknowledgment to the Trade Exchange interface 150. In this way, the Trade Exchange interface 150 can ensure that the trading platforms 110 are in agreement.”

In other words, the Trading Exchange 150 insures that each trading platform transmits and receives trading information using its own native protocol. The trading protocol is a set of agreed upon messages, such as acknowledgements, to insure that each of the platforms can send and receive messages which it can understand and insure that the other side, presumably using the same protocol, can also communicate with it in the same way. If the machines on either end transmit and receive in different protocols, then without the Trading Exchange 150, they typically could not communicate with each other. In Martyn et al., the messages from a first trading platform OR a second trading platform can be displayed on a third screen, not the receiving screen on a receiving trading platform. There is no mention in Martyn et al. that a platform communicating in its own protocol, can receive messages using its own protocol. The summarizing process of Martyn et al. just filters, summarizes, and displays messages observable by a user of a second platform using a particular protocol, without any mention that the user is receiving an offer using its own native protocol.

Accordingly, Applicants submit that Martyn et al. does not disclose or teach the invention recited by amended claims 1, 11, and 17 of the present application. Applicants respectfully request withdrawal of the 35 U.S.C. § 102(e) rejection of claims 1, 11, and 17.

Rejections under 35 U.S.C. § 103(a)

Claims 2-10, and 12-16 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Martyn et al. in view of U.S. Patent Application Publication No. 2002/0065752 (Lewis).

Lewis fails to correct the deficiencies of Martyn et al. Lewis describes an integrated computer system that consolidates data, derives information from this data, structures the data and information in a database that enables near real time information access, and distributes the data and information to users and software applications. Incoming data messages are read, parsed, and conformed to a standard structure. As the incoming data messages arrive, either in individual real-time messages or batch files of messages, they are converted into a format that is recognized by the information server that will process it. After processing by the appropriate information server, the data is placed into a highly structured database, where it updates information that was derived from previously processed messages. The information is processed to a format that is readable by another receiving platform.

Nowhere in Lewis is it described or taught that disparate platforms communicating with disparate protocols can receive messages concerning offers of trades using their own native protocol. A format is not a protocol. Being able to display a message to a receiving platform in its own format just concerns the placement of data on the screen and determining that the types of data displayed are acceptable to the receiving platform. Such formatting of data has nothing to do with the exchange of messages as encapsulated in a trading protocol. There is no mention in Lewis that a receiving platform is communicating in its own protocol different from the sending platform's protocol. Accordingly, applicant submits that Lewis does not describe or teach, alone or in combination with Martyn et al., the invention recited by amended claims 1, 11, 17 of the present application. As such, withdrawal of the rejection of claims 1, 11 and 17 under 35 U.S.C. 103(a) based on Martyn et al. in view of Lewis is requested.

Each of pending claims 2-10 ultimately depend from claim 1 and claims 12-16 ultimately depend from claim 11. Pending dependent claims 2-10 and 12-16 are deemed to be

patentable over Martyn et al. in view of Lewis, for at least the reasons described above with respect to the patentability of claims 1 and 11. Accordingly, applicants respectfully request withdrawal of the 35 U.S.C. § 103(a) rejection of claims 2-10, and 12-16.

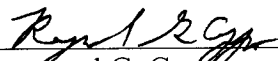
Thus, applicant submits that each of the claims of the present application are patentable over each of the references of record, either taken alone, or in any proposed hypothetical combination. Accordingly, withdrawal of the rejections to the claims is respectfully requested.

Conclusion

In view of the above remarks, reconsideration and allowance of the present application is respectfully requested. No fee is believed to be due in connection with this Amendment. If, however, any fees are deemed necessary for this Amendment to be entered and considered by the Examiner, then the Commissioner is authorized to charge such fee to Deposit Account No. 50-1358. Applicant's undersigned patent agent may be reached by telephone at (973) 597-2500. All correspondence should continue to be directed to our address listed below.

Respectfully submitted,

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